

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554**

|   |   |                     |
|---|---|---------------------|
| In the Matter of                            | ) |                     |
|   | ) |                     |
| Application by SBC Communications Inc.,     | ) |                     |
| Southwestern Bell Telephone Company,        | ) | CC Docket No. 00-04 |
| And Southwestern Bell Communications        | ) |                     |
| Services, Inc. d/b/a Southwestern Bell Long | ) |                     |
| Distance for Provision of In-Region         | ) |                     |
| InterLATA Services in Texas                 | ) |                     |

**AFFIDAVIT OF NANCY REED KRABILL**

**STATE OF TEXAS**            )  
  )  
**COUNTY OF DALLAS**        )

REDACTED INFORMATION SHOWN AS \*\*\*\*

I, Nancy Reed Krabill, being of lawful age and duly sworn upon my oath, do hereby depose and state as follows:

1. "My name is Nancy Reed Krabill. My title is Director, Regulatory and External Affairs for NEXTLINK Texas, Inc. My business address is 1300 W. Mockingbird Lane, Suite 200, Dallas, Texas 75247.

**PROFESSIONAL EXPERIENCE AND EDUCATIONAL BACKGROUND**

2. "My name is Nancy Reed Krabill. I am Director – Regulatory and External Affairs for NEXTLINK Texas, Inc. ("NEXTLINK"). I have served in that capacity for one and a half years and have spent over 13 years in the telecommunications industry, serving in various management positions in the operations and regulatory arenas. I

received a Bachelor of Arts degree from Emory University in 1976, followed by a Master of Arts in Teaching degree from Emory in 1982, then a Masters of Business Administration degree from Emory in 1994.

**PURPOSE OF AFFIDAVIT**

3. The purpose of my affidavit is to summarize the results of the recent data reconciliation process for Performance Measure (“PM”) 114 between Southwestern Bell Telephone Company (“SWBT”) and NEXLINK and outline NEXLINK’s ongoing concerns regarding the accuracy and reliability of SWBT’s underlying performance data.

**RECONCILIATION OF PM 114: SWBT AND NEXTLINK TEXAS**

4. Pursuant to the Texas Public Utility Commission’s request in Order No. 4 in Docket No. 20400, NEXTLINK and SWBT representatives met by conference call, on April 12 and April 14, 2000, to reconcile existing discrepancies between SWBT and NEXTLINK data for Performance Measure report 114 that addresses “Percent of Premature Disconnects.” PM 114 measures the “percentage of coordinated cutovers where SWBT prematurely disconnects the customer prior to the scheduled conversion.” A premature disconnect “occurs any time SWBT disconnects the CLEC customer prior to the CLEC authorization.”<sup>1</sup>
5. During the course of these meetings, the parties examined data regarding SWBT’s service performance for NEXTLINK for the months of December 1999, and January

and February 2000. NEXTLINK and SWBT subsequently reached consensus on all but five outage occurrences. The table below summarizes the findings of the SWBT/NEXTLINK data reconciliation meetings:

| <i>Month</i> | <b>SWBT PM 114<br/>Data</b>     | <b>NEXTLINK<br/>Data</b>                  | <b>Resolution</b>                                     | <b>Comments</b>  |
|--------------|---------------------------------|---|---|--|
| December     | ** Customers affected; ** lines | ** Customers affected; ** lines           | Agreed that ** Customers affected; ** lines           | NEXTLINK shows an additional ** lines for ** customer affected |
| January      | ** Customers affected; ** lines | ** Customers affected; ** lines (** TN's) | ** Customers affected; ** line (** TN's)              | NEXTLINK shows ** additional customer and ** line affected     |
| February     | ** Customers affected; ** lines | ** customers affected; ** lines (** TN's) | Agreed that ** customers affected; ** lines (** TN's) | NEXTLINK shows ** additional customers and ** lines affected   |

\*\* Indicates Redacted Data

6. SWBT has accepted nearly all of NEXTLINK's reported data for this reporting measure, except for five specific individual occurrences that remain in dispute. In two instances, SWBT did not agree to accept any NEXTLINK documented occurrences that did not reference the specific SWBT employee that was contacted to resolve the outage. SWBT also did not accept a reported outage that it believed did not fall within the parameters of the Commission's reporting measures. Under the business rules governing PM 114, data on disconnects for LNP only and LNP with loop are captured, however, no method currently exists to capture data for

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<sup>1</sup> SWBT Performance Measures Business Rules v.1.1.6.

transactions involving CLEC customers that disconnect service from SWBT but do not port numbers. In another instance, while SWBT agreed that an outage had occurred it recorded the incident in March rather than February. And finally, an outage remained unreconciled due to a process issue: SWBT rejected a FOC to NEXTLINK, that NEXTLINK continued to resubmit, on the basis that SWBT's reject notice was in error because SWBT had processed similar FOCs in the past.

7. The chart, where applicable, shows outages both in terms of lines and telephone numbers ("TN's"). In January, one line went down that affected \*\*<sup>2</sup> stations, and in February, one line went down that affected \*\*<sup>3</sup> stations. NEXTLINK believes that where lines are used to show outages for premature disconnects, the actual TN's affected provides a clearer picture of actual customer impact.
8. These data for just one reporting measure reveal that SWBT failed to capture a significant amount of NEXTLINK outages. SWBT claims that the root cause of its reporting omissions result from a lack of communication between its Local Service Center ("LSC") and the LNP Outage Desk in the Local Operations Center ("LOC"). According to SWBT's escalation list provided on April 4, 2000, the LSC is the proper point of escalation for installation issues and the LOC is the primary point of escalation for maintenance issues. The LNP Outage Desk is appropriately charged with reporting outages for performance measurement purposes, however, according to SWBT, the LSC was not reporting outages for performance measurement purposes

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<sup>2</sup> Confidential data redacted.

<sup>3</sup> Confidential data redacted.

to the LNP Outage Desk upon receipt of an escalation notice for a premature disconnect. SWBT claims that it has now corrected this problem by sending a “flash” informing LSC personnel to report the outages. Additionally, on April 12<sup>th</sup>, NEXTLINK was given the 800 number for the LNP outage desk as an additional escalation point. Subsequent attempts to use this 800 number have not resulted in a completed call. NEXTLINK has been told that SWBT is working on the problem, but the process to call the LNP Outage Desk does not appear to be fully implemented within SWBT.

9. Although SWBT maintains that its recent actions will, on a going forward basis, address previous reporting omissions, this limited reconciliation effort has reaffirmed NEXTLINK’s concerns regarding SWBT’s ability to accurately record performance data on a wider range of measurements. The Texas PUC requested an examination of just two performance measures in addition to PM 114: PM 114.1 “Loop Disconnect/Cross Connect Interval” and PM 115 “Percent of SWBT-Delayed Coordinated Cutovers.” As part of its 271 review, NEXTLINK believes that the FCC should bolster the Texas PUC’s initial inquiry and require SWBT to explain how the “lack of internal communication” impacts SWBT’s ability to accurately capture reporting data for PMs 114.1 and 115.” While NEXTLINK’s data collection program does not currently capture incidents under PM 114.1 and 115, we believe that SWBT’s internal communications problem between the LSC and the LNP outage desk, and SWBT’s poor performance reflected in these measurements, calls into question the accuracy and reliability of SWBT’s data submission for these specific

performance measurements.<sup>4</sup> In addition, SWBT has failed to provide occurrences and benchmark/parity reporting data for the base number of occurrences that are below a certain threshold. Without such data, it is difficult for CLECs to properly determine whether SWBT is providing parity service.

10. A second problem raised during the data reconciliation session is the problem associated with the Telcordia software patch that caused premature disconnects during the month of February. SWBT disclosed this issue in its April 5 FCC 271 filing, yet it has failed to provide CLECs with a formal response addressing the root cause and resolution to this problem. While SWBT has discussed this issue with NEXTLINK on an informal basis, SWBT failed to issue an Accessible Letter or other formal means of communication to the CLEC community to take responsibility for any outages linked to the Telcordia software patch and acknowledge that the problem is not linked to CLEC error.

11. The underlying raw data for SWBT's performance measurements is critical to determine whether CLECs are provided with parity service in the local telecommunications marketplace and whether SWBT is complying with the statutory 14 point checklist. The sea of numbers presented in SWBT's performance reports is essentially meaningless without the ability for CLECs to "peel the onion" and attempt

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<sup>4</sup>For NEXTLINK-specific data, SWBT shows that it did not meet the benchmark in Dallas for January for PM 114.1 for Coordinated Hot Cuts for LNP with Loop. Similarly, SWBT did not meet the benchmark for PM 115a reflecting Coordinated Hot Cut activity in Dallas-Ft. Worth for LNP with Loop for both January and February. For PM 115b, Frame Due Time, in Dallas, SWBT did not meet the benchmark for LNP with Loop in February. Nor did it meet the benchmark in Houston for PM 115a for Coordinated Hot Cuts for LNP with Loop in February.

to verify SWBT's reported performance. NEXTLINK has repeatedly asked SWBT to provide analysis of its raw data for the key measures that NEXTLINK currently captures within its own internal measurement process.

12. On January 10, 2000, NEXTLINK formally requested that SWBT provide underlying raw data for its NEXTLINK-specific performance reports. On February 14, 2000, SWBT finally provided data for its December 1999 data submission, and on February 22nd, provided the underlying data for its November 1999 reports. During a February 29th conference call, NEXTLINK requested that SWBT provide a detailed explanation of the raw data forwarded to NEXTLINK. NEXTLINK requested this information because column headings in SWBT's data submission failed to define the content of these data in each column. On March 21, 2000, SWBT finally informed NEXTLINK that no SWBT personnel were available to explain the ILEC's raw data. Moreover, on that same date, NEXTLINK forwarded its files documenting premature disconnects to both SWBT LSC and LOC representatives in order to seek resolution. It was only in response to the Texas PUC's April 5th order, however, that SWBT decided to provide data in a meaningful format and provide personnel to explain each occurrence in an effort to reconcile these data.

13. It appears that SWBT has finally agreed to support raw data exchange with NEXTLINK. NEXTLINK, however, remains troubled by the fact that SWBT was unwilling to do so prior to direct PUC involvement. NEXTLINK believes that raw data analysis on disputed reporting measures should be performed and completed

before SWBT is granted interLATA relief. Discrepancies in SWBT's data collection program, such as those outlined above, must be identified and solved. The FCC, in conjunction with the Texas PUC, should require SWBT to implement a formal process that would allow CLECs, such as NEXTLINK, to submit data disputes to SWBT on a monthly basis and require that SWBT address and resolve underlying service problems in a prompt fashion.

15. Finally, NEXTLINK urges the Commission to require SWBT, as a condition of interLATA relief, to revise the data provided on the SWBT website to include the number of all data points for CLEC occurrences even when the base count of those data points falls below the initial threshold for Z-tests. This inclusive reporting requirement would make these data more useful to CLECs, and help CLECs to perform a "sanity check" on the reported data to determine whether the SWBT data matches the CLEC data.

## **CONCLUSION**

16. Although NEXTLINK has found many individuals within the SWBT account management and data resolution teams to be extremely helpful, it appears that SWBT continues to promote an internal corporate policy designed to prevent normal interaction between our companies on certain key business matters, such as performance data tracking and resolution. Until SWBT decides to reverse course on this policy, CLECs will be forced to rely on state and federal regulators to ensure that a level competitive playing field exists in the Texas local telecommunications marketplace. SWBT's monopoly-derived embedded customer base still constitutes a



strategic advantage in the marketplace. As the FCC is aware, even facilities-based competitors who serve customers solely by means of their own facilities are subject to outage (as highlighted in PM 114) during the number porting process. Without ongoing FCC and Texas PUC oversight, SWBT maintains the ability to use its position in the marketplace to harm competitors. In order to prevent potential backsliding, NEXTLINK urges the FCC to impose entry requirements that ensure the accuracy, reliability and viability of SWBT performance data in order to continue the rapid development of competition in the local telecommunications market in Texas.

This concludes my affidavit.

I declare under penalty of perjury that the foregoing is true and correct.

This concludes my affidavit.

I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on April 25, 2000

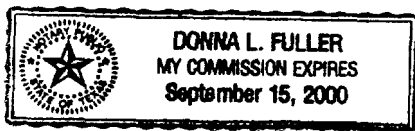
Nancy Reed Krabill  
Nancy Reed Krabill

STATE OF TEXAS                   )  
COUNTY OF DALLAS            )

Subscribed and sworn to before me

This 25<sup>th</sup> day of April, 2000.

Donna L. Fuller  
Notary Public





**Public Utility Commission of Texas  
Performance Measurements Workshop Transcript**

**Project Nos. 20400/22165**

**April 13, 2000**

**Pages 177 – 184**

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1 If that's the case, how is it different  
2 than a conventional 8 dB loop average response  
3 time if it is line sharing?  
4 MS. CHAPMAN: Well, there is  
5 different processes that we have to go through.  
6 In some cases we're having to do -- whether it's  
7 line sharing or nonlinear sharing, we may have to  
8 be doing a line to station transfer to free up  
9 copper if the loop is currently over digital  
10 loop carrier that's part of the standard  
11 provisioning process. There's a lot of things  
12 that go on any time you're doing the DSL. And  
13 this is a new process of putting in the splitter  
14 and doing all those processes that we're  
15 involved with. Line sharing is brand new  
16 process that will be difficult for us initially.  
17 So initially we're offering the same  
18 intervals for line sharing that are available  
19 for --  
20 JUDGE FARROBA: So even with all  
21 the buildout and the new remote terminals,  
22 you'll still be doing transfers?  
23 MS. CHAPMAN: For line share  
24 loop -- this would be a loop where it was an  
25 entire loop all the way to the central office.

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1 That's line sharing that we're talking about  
2 here. Are you talking about the Project Pronto  
3 which we haven't fully developed at this time?  
4 JUDGE FARROBA: Yeah, line sharing  
5 over any of those --  
6 MS. CHAPMAN: That has not been  
7 fully developed at this time. So until we  
8 really have defined the process, we don't know  
9 exactly what the process is going to be.  
10 MR. CRUZ: Your Honor, I think  
11 specifically one of the (inaudible) central  
12 office is the proposal we're talking about here.  
13 MS. CHAPMAN: Yes.  
14 MR. CRUZ: SBC's plan is to start  
15 deploying the Project Pronto architecture  
16 beginning in May and over three years it will be  
17 deployed over a 13-state region. So at this  
18 time I think we're focusing on one of the DSLAMS  
19 of the central office and you've got a copper  
20 loop straight from the CO all the way to the end  
21 user.  
22 So, therefore, LSTs would be something  
23 we would have to do. The cross connects at the  
24 central office are a little different without  
25 provisioning those loops. And obviously there's

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1 the testing of the data, writing the voice and  
2 making sure we get to the end user. So there's  
3 just a few processes that are different than  
4 would be required just to provision a regular  
5 8 dB loop.  
6 JUDGE FARROBA: Right. I was just  
7 concerned about the line station transfers when  
8 you've got the --  
9 MR. CRUZ: Right.  
10 MS. CHAPMAN: Right.  
11 JUDGE FARROBA: -- situation --  
12 MR. GOODPASTOR: If I could  
13 interject, the FCC order obligates you provide  
14 line sharing over DLC. And I think we should  
15 have a performance measure for that. So I'm not  
16 sure if you intended to exclude that from  
17 performance measures or not --  
18 JUDGE FARROBA: I guess that's  
19 why -- where I was trying to go with this.  
20 That's what I'm trying to clarify.  
21 MR. SMITH: This is Mark Smith.  
22 For the record, we believe that when looking at  
23 the stands, it's a very parity relationship  
24 there and that should be the standard, not a  
25 benchmark. A benchmark, in our opinion, is a

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1 fall-back only when parity can't be (inaudible)  
2 or any of the other standards.  
3 MS. BOURIANOFF: And excuse me  
4 for -- Michelle Bourianoff for AT&T. Could I  
5 get some clarification?  
6 Carol, you're with Southwestern Bell  
7 Telephone. Is that right?  
8 MS. CHAPMAN: Yes.  
9 MS. BOURIANOFF: And, Rod, are you  
10 with SBC ASI?  
11 MR. CRUZ: No.  
12 MS. BOURIANOFF: You're with  
13 Southwestern Bell also?  
14 MR. CRUZ: I actually am on the  
15 SBC management services payroll, but I have  
16 Southwestern Bell responsibilities.  
17 MS. BOURIANOFF: I was trying to  
18 figure out if anyone here is speaking for SBC  
19 ASI?  
20 MR. CRUZ: I don't represent ASI.  
21 MS. BOURIANOFF: So no one that's  
22 speaking with the SBC group is -- because I was  
23 going to say, are they in favor of Southwestern  
24 Bell Telephones Company's proposed changes to  
25 performance measurements?

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1 MR. LOCUS: They'd be sitting over  
2 there with you.  
3 MR. GOODPASTOR: -- interesting to  
4 have them here so they could answer some of  
5 these parity questions.  
6 MS. BOURIANOFF: I know, it's just  
7 really -- we're getting into parity discussions  
8 of what SBC is going to do, and I don't -- I  
9 wasn't sure if anyone was speaking for them or  
10 just guessing about what their operations were.  
11 MR. LEAHY: ASI receives notice of  
12 these sorts of hearings. It's a public hearing  
13 and as an entity it could have been represented.  
14 The issue, of course, is the performance  
15 measures of -- offered by Southwestern Bell  
16 Telephone.  
17 JUDGE FARROBA: Okay. Hang on. I  
18 mean, I think parity is -- well, I think it's  
19 less of a concern to the extent we're looking at  
20 benchmarks rather than starting off just  
21 directly with some parity measurements. But if  
22 we are going to have some of these be based on  
23 parity rather than benchmarks, you may want to  
24 invite your corporate affiliate to attend these  
25 discussions.

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1 MR. GARCIA: Your Honor, this  
2 Gabriel Garcia with Mpower Communications. I'd  
3 like to point out that ASI does have a contract  
4 with Southwestern Bell and Southwestern Bell is  
5 their attorney.  
6 MR. CRUZ: I'm sorry?  
7 MR. LEAHY: I'm sorry, I didn't  
8 understand your name.  
9 MR. GARCIA: My name is Gabriel  
10 Garcia, with Mpower Communications.  
11 MR. LEAHY: I'm sorry, with who?  
12 MR. GARCIA: With Mpower  
13 Communications.  
14 MR. LEAHY: Mpower Communications?  
15 Well, I don't know the basis of your statement.  
16 MR. GARCIA: It's your website --  
17 MR. LEAHY: Yes.  
18 MR. GARCIA: -- has all of the  
19 agreements between ASI and Southwestern Bell.  
20 MR. LEAHY: Yes.  
21 MR. GARCIA: There is one which  
22 states that the legal counsel is provided by  
23 Southwestern Bell.  
24 MR. LEAHY: Can be provided by  
25 Southwestern Bell Telephone. Is that your

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1 position?  
2 MR. GARCIA: That's what --  
3 MR. LEAHY: Not that it is in  
4 total, but that it can be provided by  
5 Southwestern Bell Telephone.  
6 JUDGE FARROBA: Well, I mean, that  
7 sounds like that's your position or is that a  
8 question --  
9 (Laughter)  
10 MS. MEULEMAN: Let me clear it up.  
11 No one -- no attorney here is representing ASI  
12 today.  
13 THE REPORTER: And you are?  
14 MS. MEULEMAN: Ann Meuleman.  
15 MR. LOCUS: Your Honor, if you'd  
16 like, we can continue to work through the other  
17 proposals on 55.1.  
18 JUDGE FARROBA: Yes.  
19 MR. LOCUS: From the standpoint of  
20 the benchmark versus parity, I think we  
21 understand your intentions on that --  
22 JUDGE FARROBA: Right. I mean,  
23 I'm not saying that we might not want to  
24 consider it, but I know for the measures we've  
25 been talking about I think we're interested in

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1 looking at benchmarks.  
2 MR. SRINIVASA: Right. What I'm  
3 interested in right now is the benchmark for  
4 stand-alone. What I mean by "stand-alone" is  
5 without line sharing, five business days. I  
6 need a benchmark proposal for less than or equal  
7 to 20 loops per order per end-user location  
8 without conditioning or loops that are line  
9 sharing.  
10 MS. CHAPMAN: That would still be  
11 five.  
12 MR. LOCUS: John Locus for  
13 Southwestern Bell. We'd propose the five days  
14 and the ten days just as we have on the  
15 stand-alone loops.  
16 MR. SRINIVASA: Let me get a  
17 proposal from the CLEC for that are.  
18 MS. DEPLOY: Covad  
19 Communications -- this is Michelle Duploy -- and  
20 we propose three days since they don't have to  
21 provision the line. It's already there.  
22 MR. LOCUS: This is John Locus  
23 with Southwestern Bell --  
24 MR. SRINIVASA: I need to hear  
25 from other --



**SAN ANTONIO EXPRESS - NEWS**

**April 19, 2000**

**SBC Hit by State Penalties  
Fines Could Affect Long-Distance Plans**





Record 1 of 1

[E-Mail](#)[Text Only Display](#)[List](#)*San Antonio Express-News*

April 19, 2000

## **SBC hit by state penalties Fines could affect long-distance plans**

By Sanford Nowlin; EXPRESS-NEWS BUSINESS WRITER

San Antonio-based **SBC** Communications Inc. has incurred almost \$900,000 in **state penalties** for problems it had transferring customers from its local phone service to that offered by competitors.

The fines come at a critical time for the telecommunications giant, which is trying to convince federal regulators it has opened its markets to competitors and therefore should be allowed to sell long-distance service in Texas.

Companies that offer local phone service in competition with **SBC** said the fines - which **SBC** paid the **state** in January and February - are proof they still cannot compete on an equal footing in Texas.

"I'm hopeful the (the Federal Communications Commission) will pay attention to this and make them improve their record before they give them access to the long-distance market," said Scott McCollough, an attorney for e.spire Communications Inc. and other competitive phone firms.

Under federal law, regional Bell companies such as **SBC** must convince the FCC they've opened their markets before they can sell long-distance service in their home territories.

Officials with **SBC**, the parent company of Southwestern Bell, said the **state** fines would have little bearing on its long-distance application, which the FCC will vote on by July 5.

"I don't think this is an indication we're not ready," **SBC** spokeswoman Saralee Boteler said.

The **state penalties** stem from standards **SBC**, its competitors and the Texas Public Utility Commission last year set to ensure that competitors could easily buy access to SBC's networks and customers could switch to a new phone company without a service outage.

**SBC** can be required to pay up to \$289 million a year if it fails to meet a laundry list of 1,900 "performance measures" aimed at determining how well it transfers customers to new providers and processes orders from competitors.

"There's no doubt we'd rather be perfect," Boteler said. "But we've paid **penalties** on only 21 measures out of 1,900. The federal regulators have that in perspective."

January was the first month **SBC** was required to pay fines if it didn't meet those standards.

It paid \$472,600 in January and \$407,000 in February. Information about its March **penalties** won't be available until later this month.

While **SBC** met most of its measures, competitors claim the fines indicate the company's ability to process orders is getting worse rather than better.

"It shows that as the number of customers increases, their ability to handle those orders decreases," AT&T spokesman Kerry Hibbs said. "That's the problem."

However, SBC's Boteler disputes that, saying the two months of data doesn't demonstrate a trend.

Likewise, PUC spokesman Terry Hadley said the commission doesn't view the January and February **penalties** as indications **SBC** is unable to work with other phone companies.

"It looks like these are issues they can solve," Hadley said. "This tells us the agreement is working."

**SBC** filed its original long-distance application with the FCC in January, but the company withdrew the application earlier this month when it became apparent the agency might reject it.

The company's request appeared to be headed for a negative vote after the Justice Department twice filed papers with the FCC warning **SBC** hadn't fully opened its markets.

**SBC** refiled its long-distance application April 6 and provided more data to support it. However, the move set back the date of the FCC vote from April to July.

If approved, **SBC** would be the second Baby Bell allowed into the long-distance business.

Bell Atlantic received FCC approval late last year.

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**BEFORE THE  
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| In the Matter of                            | ) |                     |
|   | ) | CC Docket No. 00-65 |
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| Services, Inc. d/b/a Southwestern Bell Long | ) |                     |
| Distance for Provision on In-Region         | ) |                     |
| InterLATA Services in Texas                 | ) |                     |

**AFFIDAVIT OF GWEN M. ROWLING**

**STATE OF TEXAS**            )  
  )  
**COUNTY OF TRAVIS**        )

I, Gwen M. Rowling, being of lawful age and duly sworn upon my oath, do hereby depose and state as follows:

1. My name is Gwen Rowling. My business address is 11902 Burnet Rd., Suite 100 Austin, Texas 78758. I am Vice President – State Government Affairs for ICG Communications. In this position, I am responsible for state regulatory policy and government relations. Additionally, I monitor ILEC compliance with regulatory directives and with interconnection agreement provisions.

**PROFESSIONAL EXPERIENCE AND EDUCATIONAL BACKGROUND**

2. I joined ICG in May 1999. Since that time, I have testified on behalf of ICG in Texas, Georgia, Kentucky and Tennessee. Previously, I was employed by Westel, Inc. where I was Vice President – Business/Government Relations. I was a witness on behalf of Westel and the Competitive Carriers Telecommunications Association (“CompTel”) during the initial

271 hearing in Texas. I represented first Westel and later ICG in the Texas 271 Collaborative process. I am a graduate of the University of Texas at Austin.

### **DESCRIPTION OF ICGCommunications**

3. ICG Communications is a national facilities-based carrier. In Texas, the company operates in Austin, Dallas, Houston, San Antonio and Corpus Christi ICG provides a variety of communication services.

### **SUMMARY**

4. ICG participated in the entire 271 collaborative process in Texas in the hope that SWBT and the CLEC industry could come to a mutual resolution on the fundamental issues. A “yes” to SWBT means, in essence, a “yes” to competition because the ILEC would have demonstrated compliance with the provisions of the Federal Telecommunications Act .
5. Non-compliance with the requirements of federal law can not and should not be measured by degrees. It must be judged by absolutes, regardless of the tangential pressures to do otherwise. “Sort of,” “kind of,” “sometimes” in compliance is not permissible.
6. SWBT is not in compliance with Section 51.309 which states that “an incumbent LEC shall not impose limitations, restrictions, or requirements on requests for, or the use of, unbundled elements that would impair the ability of a requesting telecommunications carrier to offer a telecommunications service in the manner the requesting telecommunications carrier intends.”
7. SWBT frequently is provisioning ICG’s DS-1 orders over HDSL. In doing so, the ILEC is using HDSL repeaters to extend the loop to its maximum length. These HDSL repeaters use the DS-1 circuit’s overhead bit stream for maintenance signals. This signaling conflicts with

the maintenance signaling that is transmitted by a number of systems used by ICG as well as other CLECs.

8. In particular, the HDSL repeater, when set in the “auto” mode, will incorrectly read the maintenance signals transmitted by Cisco equipment which has been installed by ICG on the customer premise as well as in the central office. The Cisco equipment enables the customer to transmit both voice and data over a single DS-1 circuit. In other words, the equipment allows ICG to offer an integrated access service (“IAS”) to its customers.
9. The result of SWBT’s HDSL repeater misreading the signals of the IAS equipment is that the customer’s DS-1 experiences bit errors. Simply stated: the DS-1 goes down. Consequently, ICG customers have experienced service outages lasting from a few hours to days. The service outages are chronic. Not only has the severe problem caused the loss of customers who understandably will not tolerate erratic service and repetitive service outages, it has also derailed ICG’s deployment of IAS services in SBC’s region, including Texas.
10. The technical solution to this problem is simple. SWBT could set its HDSL repeaters to the “unframed/free framing” mode. The repeaters then would not interfere with the proprietary signaling that the Cisco equipment transmits. In fact, PairGain’s own technical advisory recommends that its HDSL repeaters should be set to “unframed” in order not to interfere with the signaling of several types of commonly deployed equipment including Lucent SLCs. When ICG has encountered this situation with other ILECs, such as US West and BellSouth, the ILECs have agreed to set any HDSL repeaters to “unframed” in order to avoid interfering with the service ICG is providing over the unbundled network element.
11. When ICG orders a DS-1 unbundled loop, we will not know whether an ILEC has configured the loop over DSL technology until the circuit has been engineered. In the event that an

HDSL repeater is used in provisioning a DS-1 loop, other ILECs recognize an industry standard "Network Channel Interface" ("NCI") code which allow us to order "unframed" DS-1s. This code also signals to the ILECs that the HDSL repeater, if used, must be set to "unframed."

12. SWBT has refused to honor this NCI code, and it has refused to set its HDSL repeaters to "unframed." The consequence is very clear: ICG cannot effectively provide a legitimate communication service over a network element.

13. Our company repeatedly has requested SWBT to reconsider its position. Most recently, SWBT indicated that it might allow ICG to order an unframed DS-1 if ICG would pay additional fees. SWBT knowingly is holding our company's deployment of IAS services hostage and in effect has indicated that it might entertain the notion of a ransom being paid.

14. SWBT's position is that the HDSL repeater must be able to send maintenance signals. Set in "unframed" mode, the repeater will not be able to transmit these signals. However, the lack of maintenance signals would effect only the unbundled loop provisioned for ICG. It would not impact the facilities used by SWBT or any other CLEC. The key point is that ICG's request for an unframed DS-1 impacts only ICG; neither the ILEC or other CLECs are impacted. As long as ICG's request does not impact the ILEC's entire network, the question becomes who ultimately should control the signaling transmitted over that network element. If the ILEC is allowed to transmit signals that effectively negate a CLEC's ability to provide a service, the ILEC then is able to violate Section 51.309.

15. When representing another CLEC, Westel, Inc., I witnessed SWBT initially taking a similar position when provisioning enhanced extended links ("EELs") for the company. SWBT placed additional network devices on the EELs with the explanation that it must retain

network maintenance signaling. When faced with technical opposition from Westel's operations department, SWBT ultimately, and correctly, reversed its position and removed the devices. SWBT agreed with Westel that it was the CLEC's prerogative to control maintenance signaling on the network element. SWBT should be consistent in its treatment of CLECs and allow ICG the same right.

16. At this time, the only technical "work around" for this problem is to use a DS0 channel for our IAS' signaling. Not only does this rob the customer the use of a full channel it also results in provisioning additional, costly equipment. The "work around" truly is not a viable solution considering the fact that it hampers our ability to market to the Texas customers and it significantly increases our costs.
17. While ICG's deployment of a in-demand communications service has been diverted by SWBT, the ILEC itself has marketed its own IAS service under the pricing flexibility afforded by Senate Bill 560.





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**TA-RS19970418**Revision 1  
Jan 12, 1999**HIGAIN TECHNICAL ADVISORY**

**MODEL:** All HiGain Line Units  
**PART NUMBER:** Several  
**CLEI:** Several  
**SUBJECT:** Frame vs. Unframed Mode

All HiGain line units (HLU) have a user option called FRMG. The option has both an AUTO (the default choice) and an UNFR setting. In the AUTO mode HiGain continuously searches the T1 inputs at both the HLU & HRU ends for a valid SF or ESF frame pattern. When either pattern is detected, HiGain displays (ESF or SF) in the span status screens as well as in the HLU 4 character display during the scroll mode and in the HRU front panel FRM LED. This frame information allows HiGain to determine the DS0 slot boundaries as well as the location of all the frame bits. This mode is required for the following reasons:

**1. Fractional T1 Applications** These applications use the DS0 blocking option. This option requires HiGain to know the DS0 boundaries so that it can insert the FF idle pattern in the blocked slots positions.

**2. ESF Data Link Applications.** HiGain can respond to the network loopup and loopdown codes that are imbedded in the ESF data link. Knowledge of the frame boundaries is required to detect these codes.

**3. Single Pair Survivability:** HiGain transmits the frame bits on each of the two HDSL loops. Thus if communication is lost on one loop, the remaining 12 DS0s on the surviving loop can be recovered since the frame bits are also available from this loop. The frame bits must be known to support this feature.

In the UNFR mode, HiGain does not examine the payload for frame patterns and so is "frame blind". Thus it can not support any of the above 3 features. In lieu of the unknown frame bits, it picks the 193rd bit at random and transmits it over both of the HDSL loops.

**PalrGain Technologies Technical Advisory**  
(model)  
(subject)

**Revision #**

Some T1 systems have proprietary frame patterns which are close to but not exactly like the standard SF & ESF patterns. When set to its AUTO mode, HiGain can sometimes confuse these pseudo SF & ESF patterns for the real SF & ESF patterns. Whenever HiGain finds this "valid" frame pattern, it resets its frame pointing arrows. This causes a temporarily realignment of its data buffers which cause a short burst of T1 errors. But HiGain soon determines that this is indeed not a valid frame pattern and begins anew its search for the right pattern which it finds and then again rejects. This search, find and reject process is repeated over and over again accompanied by a burst of errors each cycle. The following systems are known to generate these pseudo frame patterns and thus cause bit errors when used with HiGain.

1. Northern Telecom SL1 PBXs
2. AT&T SLC Series 5 DLCs
3. AT&T Series 2000 DLCs
4. Ericsson Cellular Site Radio Base Station Equipment

HiGain must be provisioned to is UNFR mode to avoid these bit errors when used to provide transport access to any of these systems. When so provisioned, HiGain will not support the above three applications that require the AUTO mode. Note that the UNFR mode has no other negative effects on the operation of the HiGain system. All of its other functions, such as loopback responses, work equally alike in both the AUTO and UNFR modes.

The HLU-231, List 3, issue 2 and the HLU-231, List 3D line units have their FRMG default option set to UNFR. The UNFR mode is called the THRU mode in some models of the HLU.

## CERTIFICATE OF SERVICE

I, Charles M. Hines III, hereby certify that a true and correct copy of the foregoing **“Initial Joint Comments of ALTS and the CLEC Coalition”** was delivered by first class mail or by hand delivery this 26<sup>th</sup> day of April 2000, to the individuals on the following list:

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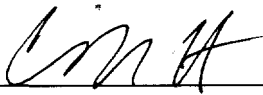
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